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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,773	03/18/2004	Kevin I. Bertness	C382.12-0190	7792

27367 7590 12/15/2006

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EXAMINER

PATEL, RAJNIKANT B

ART UNIT PAPER NUMBER

2838

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/804,773

Applicant(s)

BERTNESS, KEVIN I.

Examiner

Rajnikant B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18,23-41,46-64 and 82-111 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,23-41,46-64 and 82-111 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18,23-41,46-64 and 82-111 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palfey et al. (U.S. Patent # 6,177,737).

Palfey et al. disclose the claimed subject matters an apparatus self discharge in a storage battery ((figure 1), including a charge supply battery (figure 1 item CAR BATTERY), a DC-DC converter circuit (figure 1, item 40) and storage battery (figure 1, item 14) and the charge supply battery that is of a different type and construction than a storage battery (figure 1, item 14 and (column 3, line 30-35).

4. Claims 2-3 and 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palfey et al. (U.S. Patent # 6,177,737) in combination with Barrett (U.S. Patent # 5,684,678).

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Palfey et al. disclose the claimed invention as explained in the claims 1 and 23, above except the utilization of the technique for a transformer and a bridge rectifier. Barrett teaches the utilization of similar technique for a transformer and bridge rectifier for converter (figure 1, item 24 and 28). It would have been obvious one having an ordinary skill in the art at the time the invention was made to modify Palfey et al.'s apparatus by utilizing the technique taught by Barrett for the purpose improve the efficiency, size and weight of the apparatus.

In regards to claims 6-18 and 82-94 Palfey et al. disclose the claimed invention except the utilization of the charge supply battery is a (single cell or plurality of cells or two cells or "D" cell, two alkaline batteries or "AA" cells or "C" cell or two "AA" or "C" "alkaline batteries or carbon batteries. It would have been obvious one having an ordinary skill in the art at the time the invention was made to utilize battery (item 14), since it has been held to be within the general skill of worker in the art to select a known batteries on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125, USPQ 416.

5. Claims 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomantschger (U.S. Patent # 5,637,978) in combination with a paper published by Electronix Express (a non patent publications, November 10, 1998) and Bertness (U.S. Patent # 6,249,124).

Tomantschger discloses the claimed invention a jump-start booster (figure 1), including a charge supply battery (figure 1, item 12), DC-DC converter (figure 1, item 10), a small

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battery (Abstract, line 1-10). However Tomantschger does not disclose the utilization of the technique for a four point Kelvin connection, battery testing circuitry, the DC-DC converter comprises step-up transformer, and a bridge rectifier. Bertness teaches the utilization of the similar technique for a four point Kelvin connection, battery testing circuitry (claims 1-5) and Electronix Express teaches the utilization of the similar technique for the DC-DC converter comprises step-up transformer, and a bridge rectifier (figure 1). It would have been obvious one having an ordinary skill in the art at the time the invention was made to modify Tomantschger's battery booster by utilizing the technique taught by Bertness and Electronix Express's publications for the purpose of providing an improved battery charger with battery tester.

In regards to claims 95-100, Tomantschger in combination with a paper published by Electronix Express (a non patent publications, November 10, 1998) and Bertness disclose the claimed invention except the utilization of the charge supply battery is a (carbon batteries or lead-acid battery or carbon coated electrode or a network of pores or 6-cell-24-cell). It would have been obvious one having an ordinary skill in the art at the time the invention was made to utilize battery (item 30), since it has been held to be within the general skill of worker in the art to select a known batteries on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125,USPQ 416.

6. For method claims 46-64,69-77 and 101-111, note that under MPEP 21 12.02, the principles of inherency, if a prior art device, in its normal and usual operation, would

necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device \*1 inherently performs the claimed process. In re King, 801 F.2d 1324, 231 USPQ 136 (Fed Cir. 1986). Therefore the previous rejections based on the apparatus will not be repeated.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

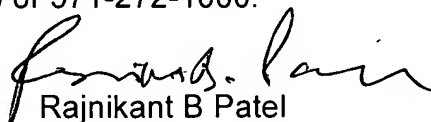
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajnikant B. Patel whose telephone number is 571-272-2082. The examiner can normally be reached on 6.30-5.00; m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Rajnikant B Patel  
Primary Examiner  
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